

FILED
at Santa Fe, NM

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JUN 28 2005

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

MATTHEW J. DYKMAN
CLERK

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 3: Rio Cebolla

Subfile No. CHCB-003-0015B

SUBFILE ORDER

THIS MATTER comes before the Court on Plaintiff State of New Mexico *ex rel.* State Engineer's ("State Engineer") Motion for Summary Judgment and Memorandum in Support (Doc. No. 7615, filed October 27, 2004). On February 3, 2005, the Court granted part of Plaintiff's Motion and ordered the parties to file supplemental briefs. (Doc. No. 7757). On May 3, 2005, after review of the supplemental submissions of the parties and the relevant law, the Court granted the State Engineer's Motion in its entirety and ordered the State Engineer to prepare a Subfile Order adjudicating **DAVIDE E. ARCHULETA** and **LYDIA U. ARCHULETA** ("Defendants") a No Right for irrigation purposes under Subfile CHCB-003-0015B. (Doc. No. 7848).

The Court now Finds:

1. The Court has jurisdiction over the State of New Mexico *ex rel.* State Engineer and the Defendants and the subject matter of this suit.
2. There is no just reason for delay for the entry of a final judgment as to the claims of

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the Defendants for irrigation water rights adjudicated by this order under Subfile CHCB-003-0015B.

3. The right of the Defendants to divert and use the public waters from the Rio Chama Stream System, Rio Cebolla, Section 3, for irrigation purposes under Subfile CHCB-003-0015B is set forth below:

A. NO RIGHT

Office of the State Engineer Files No. NONE

Priority: NONE

Source of Water: Surface water of the Rito Cienega Redonda, a tributary of the Rio Cebolla, a tributary of the Rio Chama.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch: RINCON BLANCA

Location: X= 1,578,548 feet Y= 2,012,107 feet
New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage:

Section 03, Township 26N, Range 04E, N.M.P.M.

Pt. NE ¼	0.3 acres
Pt. NW ¼	13.0 acres

Section 34, Township 27N, Range 04E, N.M.P.M.

Pt. SE ¼	11.1 acres
Pt. SW ¼	0.1 acres

Total	<u>24.5 acres</u>
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As shown on the attached revised Hydrographic Survey Map for Subfile No. CHCB-003-0015B

Amount of Water: NONE

4. Defendants have no irrigation water rights under Subfile CHCB-003-0015B other than those set forth in this order.
5. Defendants, their successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Cebolla, Section 3, except in strict accordance with the water rights described herein and the other orders entered by this Court in this cause.

IT IS THEREFORE ORDERED that the rights of the Defendants to divert and use the waters of the Rio Chama Stream System, Rio Cebolla, Section 3, for irrigation purposes under Subfile CHCB-003-0015B are as set forth herein. The Defendants, their successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Cebolla, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.

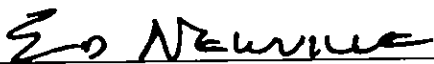
IT IS FURTHER ORDERED that the Court enters this Subfile Order as a final judgment as to the Defendants' water rights set forth herein.



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Submitted by:

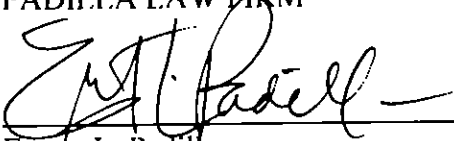
STATE OF NEW MEXICO



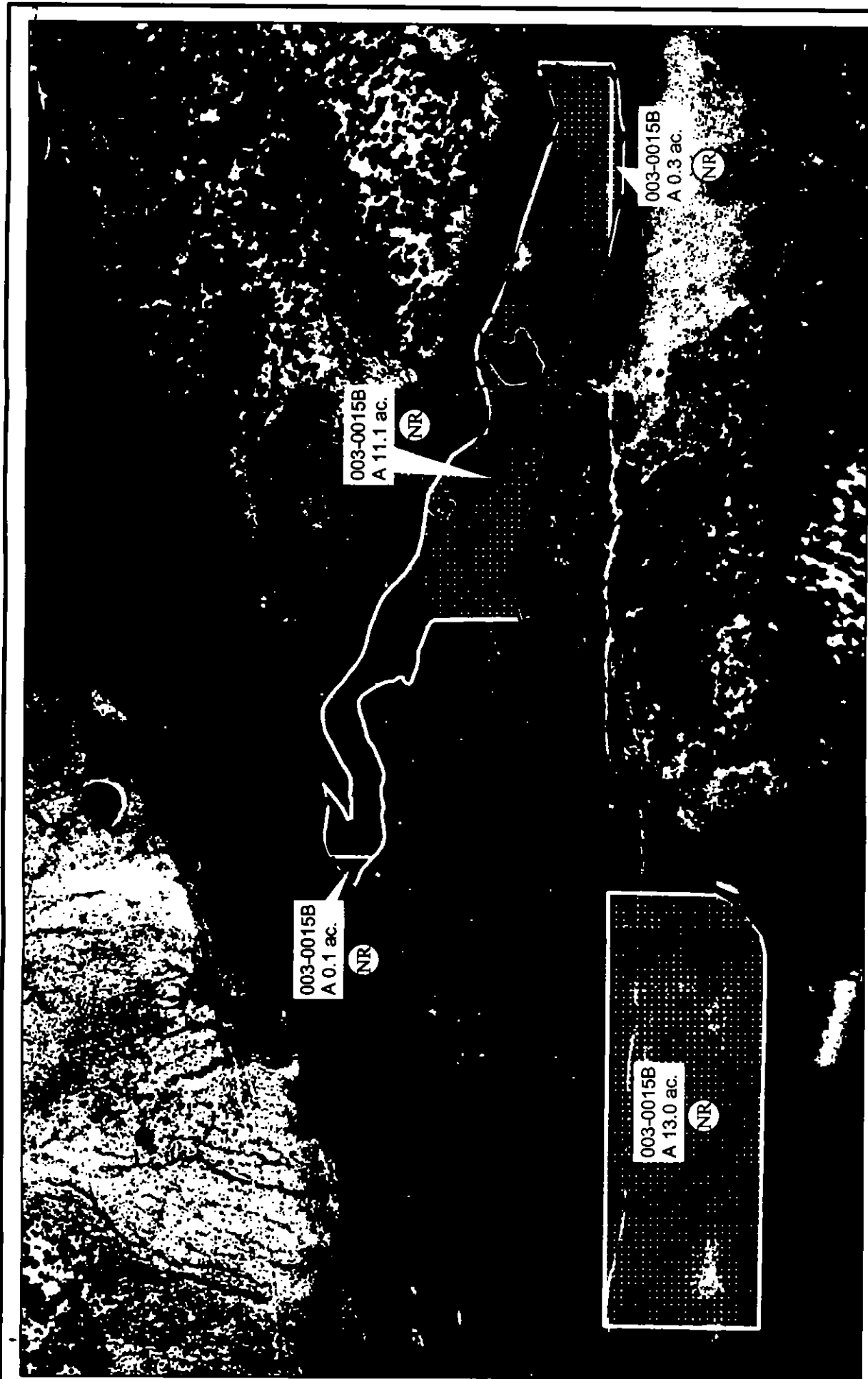
Edward G. Newville
Special Assistant Attorney General

Approved as to form:

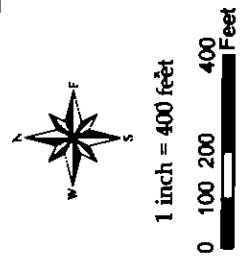
PADILLA LAW FIRM



Ernest L. Padilla
Attorney for David E. Archuleta and Lydia U. Archuleta



- LEGEND**
- Irrigated Tract Boundary
 - No Right Tract Boundary
 - Seep Area
 - Operable Ditch
 - Inoperable Ditch
 - Stock Ponds / Reservoir
 - Point of Diversion
 - Well
 - Spring
 - Fallow
 - No Right



STATE OF NEW MEXICO
Office of the State Engineer
John R. D'Antonio, Jr., P.E.,
State Engineer

Rio Chama Hydrographic Survey
Rio Cebolla Section

Subfile Number
CHCB 003-0015B
Rincon Blanca Ditch
AMENDED May 6, 2005